

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS
CONSTRUCTION INDUSTRY HEALTH
AND SECURITY FUND, et al.,

Case No. 09-cv-207-JPD

**ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

Plaintiffs,

V.

FRED HILL MATERIALS, INC., a
Washington corporation.

Defendant.

The parties have consented to this matter proceeding before the undersigned United Magistrate Judge pursuant to 28 U.S.C. § 636(c).

22 This matter comes before the Court on Plaintiffs' motion for summary judgment. Dkt.
23 No. 6. Plaintiffs seek to recover liquidated damages and interest associated with Defendant's
24 delinquent payment of employee benefit contributions to the Plaintiff Trust Funds. Defendant
25 has not responded to Plaintiffs' motion; Defendant's failure to respond to the motion amounts
26 to an admission that the motion has merit. *See* Local Rule CR 7(b)(2).

ORDER
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1 NOW, THEREFORE, the Court, after careful consideration of Plaintiffs' motion for
2 summary judgment, all supporting documents, and the balance of the record, does hereby find
3 and ORDER:

4 (1) Plaintiffs' motion for summary judgment, Dkt. No. 6, is GRANTED.

5 (2) Judgment is awarded in favor of the Plaintiff Trust Funds and against Defendant
6 Fred Hill Materials, Inc. in the following amounts: \$3,963.45 for liquidated damages; \$451.24
7 for interest; \$480.00 for attorneys' fees; and \$455.10 for costs. These amounts are due and
8 owing for the December 2008 employment period.

9 (3) The Clerk of the Court is directed to send copies of this Order to all parties.

DATED this 27th day of May, 2009.

James P. Donohue
JAMES P. DONOHUE

JAMES P. DONOHUE
United States Magistrate Judge